



Planning Board Minutes – February 2, 2016

A meeting of the Town of Freetown **Planning Board** was held on **February 2, 2016** at the Freetown Town Hall Freetown, MA. **Present:** Debra Robbins, Robert Jose, Mark Rogers and Keven Desmarais **Absent:** Nicolas Velozo

Meeting called to order at 6:05 PM.

A. Weetamoe Estates Subdivision (off Howland Road)

Dave Rosa and Joseph Nacaula approached the Board, along with developer Nick Harris. The group presented the Weetamoe Heights subdivision plan approved in 1979. This subdivision, created by deceased relatives of Mr. Rosa and Mr. Nacaula, is an extension of Jacob's Mt. Road, and was never built upon. Due to changes affecting minimum lot size and frontage requirements, and the fact that no action was taken on the subdivision during a grandfathering period subsequent to the zoning change, this subdivision's approval has expired. Mr. Rosa and Mr. Nacaula have retained Mr. Harris to help reconfigure and develop the subdivision; they are looking for guidance and to comply with what the Board may require. Mr. Rosa states they have gone to Tibbetts Engineering, who will be working on updating these plans.

The Board then discussed that fact that most, if not all of the lots were in tax title, and some in the rear of the property had already been foreclosed and were now Town owned. Mr. Rosa stated that he and Mr. Nacaula have been in contact with the Assessors office, and are exploring ways to rectify the back taxes owed.

After some discussion, the Board directed the party to draw up plans that would meet the current Town bylaws, the Board's subdivision rules and regulations, and state stormwater requirements. They were instructed that if they had concerns about meeting certain specifications, waivers can be requested as part of the Form C application.

B. Ole Blue Way Subdivision (off Beech Bluff Rd)

Mark Rogers recused himself from the discussion. Paula Lecuyer, owner of Lot 2 presented to the Board a letter requesting release of the lot from covenant. Mike Boehler, subdivision applicant, had also sent a letter requesting the release of lot 2 and requesting reinstatement of the subdivision approval, which expired on December 31, 2011, as per the covenant document, because the road was not completed by said date.

The Board discussed the past process of using covenant lots as surety held at can be used to ensure completion of the roadway. The Chairman states that the Board should now instead request the developers provide bond or cash surety before lots are released. Town Counsel had reviewed the situation, and stated that the conveyance of Lot 2 while under covenant was not illegal, but it is in violation of the covenant. The new owners must still abide by the terms of the covenant. The Chairman points out that in the conditions of the covenant, since the road was not completed by 12/31/11, the plan is automatically rescinded. Mr. Boehler is requesting to reinstate that approval.

Michael Lecuyer states that he realizes that per the conditions of approval, there will not be an occupancy permit issued until all the utilities and base course of asphalt is installed. Mrs. Lecuyer presented the Board with 2 estimates for the completion of the work. The estimate for the roadwork was provided by P.J. Keating Company, in the amount of \$57,040 and an estimate for the drainage work was provided by Bryant Hill Farms Inc in the amount of \$13,450. The Board discussed allowing an extension and reinstatement of the subdivision approval for a limited time, as this project should be wrapping up soon.

Motion to reinstate the subdivision approval for an 8 month period to expire the first of October, 2016: Robert Jose; Second: Debra Robbins; Abstained: Mark Rogers: motion carries.

The Chairman instructed the Planning Technician to create a new certificate of approval that the Board will sign at an upcoming meeting, along with an accompanying letter notifying Mr. Boehler.

The Board discussed boilerplate condition 2 of the covenant.

"That the undersigned will not sell or convey any lot in the subdivision or erect or place any permanent building on any lot until the construction of ways and installation of municipal services necessary to adequately serve such lot has been completed in accordance with the covenants, conditions, agreements, terms and provisions as specified in the following"

The question of determining adequacy was vague. The Board wanted to check with Town Counsel about adjusting the covenant boilerplate language to reflect what is expected. The covenant should also reflect that occupancy not granted until base coat has been installed, same as on the certificate of approval.

Motion to release lot 2 from covenant: Robert Jose; Second: Debra Robbins; Abstained: Mark Rogers; motion carries.

Further, the Board instructed the Planning Technician to communicate to the Building Department that an occupancy permit should not be issued for any of the remaining lots in Ole Blue Way until the asphalt is installed per the conditions of approval.

C. Amazon

Representatives for Amazon are yet again coming in, this time with signage package. Much of the signage is in need of special permits. Additionally minor modifications have been made to their approved site plan, including the addition of another 15 loading docks. The concurrent public hearings will be held on February 16.

D. Luis Coelho/Cameron's Way Subdivision

The Board signed the mylars for the Cameron's Way extension. At the last meeting, they had signed a covenant. The Chairman states that if he is looking for a release of this lot, he would need to provide cash surety or a bond in the amount of the outstanding work. He cannot sell the lot.

E. Holly Ridge Subdivision

The office had received a call from a resident concerned about the structure of the bridges over the culverts. He stated that the first bridge had a significant dip in the middle, and was concerned that that was due to more than inclement weather and temperature. The 2nd bridge had a metal plate over it. Robert Jose stated that he took a ride through the subdivision. The Chairman stated that we should seek an official response and projected completion date from Al Endriunas for all the outstanding items. If the Board does not get a satisfactory response, it will be sent out for engineering review.

Meeting Adjourned at 8:30 PM

Respectfully Submitted,

Lauren Moreau, Planning Technician

